

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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TRUSTEES OF EMPIRE STATE
CARPENTERS ANNUITY,
APPRENTICESHIP, LABOR-MANAGEMENT
COOPERATION, PENSION and WELFARE
FUNDS,

DECISION AND ORDER

14-cv-324 (ADS)(ARL)

Plaintiffs,

-against-

CURTIS PARTITION CORP.,

Defendants.

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APPEARANCES:

Virginia & Ambinder, LLP

Attorneys for the Plaintiffs

111 Broadway, Suite 1403

New York, NY 10006

By: Richard B. Epstein, Esq.
Elina Turetskaya, Esq., of counsel

NO APPEARANCES:

The Defendant

SPATT, District Judge.

On January 15, 2014, the Plaintiffs Trustees of the Empire State Carpenters Annuity, Labor-Management Cooperation, Pension and Welfare Funds (collectively the “Funds”) commenced this action against the Defendant Curtis Partition Corp. (the “Defendant”) under Section 502(a)(3) of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132(a)(3); Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. § 1985; and Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, to confirm and

enforce an arbitrator's award rendered pursuant to a collective bargaining agreement between the Empire State Regional Council of Carpenters and The Association of Wall, Ceiling, and Carpentry Industry of New York. The Clerk of the Court having noted the default of the Defendant on February 16, 2014, and the Funds having moved for a default judgment against the Defendant on April 2, 2014, the Court hereby respectfully refers this matter to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorney's fees and costs. The Clerk of the Court is directed to note the referral of this matter.

SO ORDERED.

Dated: Central Islip, New York
April 5, 2014

Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge